

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JOSEPH DIBUONAVENTURA,

Plaintiff,

v.

SEAN DALTON, RAFAEL MUNIZ,
in their individual capacities

Defendants.

Civil Action No. 1:17-cv-05120

ELECTRONICALLY FILED

**DEFENDANT SEAN DALTON'S RESPONSE TO PLAINTIFF'S
COUNTERSTATEMENT OF MATERIAL FACTS**

ARCHER & GREINER
A Professional Corporation
One Centennial Square
P.O. Box 3000
Haddonfield, NJ 08033-0968
(856) 795-2121

Attorneys for Defendant Sean Dalton

By: JOHN C. CONNELL, ESQUIRE
LAURA LINK, ESQUIRE
DANIEL J. DEFIGLIO, ESQUIRE

Pursuant to Fed. R. Civ. P. 56 and L. Civ. R. 56.1, Defendant, Sean Dalton, submits this Response to Plaintiff's Counterstatement of Material Facts that was submitted by Plaintiff in opposition to Defendant Dalton's pending Motion for Summary Judgment:

1. Admitted.

2.a - 2.d. Admitted.

3. It is admitted only upon information and belief that the Amended Order executed by the Honorable David W. Morgan, J.S.C., dated May 21, 2015, attached as Exhibit B to the Certification of Counsel submitted on Plaintiff's behalf in opposition to the pending motion appears to be accurate and is a document which speaks for itself.

4. It is admitted only that a true and accurate copy of a letter sent by Defendant Muniz to Defendant Dalton, dated August 13, 2012, is attached as Exhibit D to the Certification of Counsel submitted on Plaintiff's behalf in opposition to the pending motion and that said document speaks for itself. Plaintiff's characterization of that document and the remaining allegations set forth in Paragraph 4 are denied as stated.

5. It is admitted only that Defendant Dalton notified the Chief of the Prosecutor's Supervision & Coordination Bureau of the substance of the August 13, 2012 letter that Chief Muniz had sent to Defendant Dalton and that the Chief

responded via letter dated September 4, 2012, a true and accurate copy of which is attached as Exhibit E to the Certification of Counsel submitted on Plaintiff's behalf in opposition to the pending motion. Said documents speak for themselves, and Plaintiff's characterizations of those documents as well as the other allegations set forth in Paragraph 5 are denied as stated.

6. It is admitted only that a true and accurate copy of an email exchange between Defendant Muniz and Defendant Dalton on March 6, 2015 is attached as Exhibit F to the Certification of Counsel submitted on Plaintiff's behalf in opposition to the pending motion and that said document speaks for itself. Plaintiff's characterization of that exchange and the remaining allegations set forth in Paragraph 6 are denied as stated.

7. Admitted.

8. Admitted.

9. Admitted.

10. Admitted.

11. It is admitted only that Defendant Dalton submitted a letter, dated August 16, 2012, to the Chief of the Prosecutor's Supervision & Coordination Bureau of the Division of Criminal Justice pertaining to the handling of the criminal investigation that arose from the Internal Affairs complaint filed by Paul Moriarty against Plaintiff and that said document speaks for itself. Plaintiff's

characterization of that letter and the remaining allegations set forth in Paragraph 11 are denied as stated.

Respectfully submitted,

ARCHER & GREINER
A Professional Corporation

Attorneys for Defendant Sean Dalton

By: /s/ Laura Link, Esquire

John C. Connell, Esquire

Laura Link, Esquire

Daniel J. DeFiglio, Esquire

Dated: December 10, 2018

215613413v1